

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	CR. NO. <u>3:05cr141-MEF</u>
)	
ROY TERRY)	

MOTION TO CONTINUE SENTENCING

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as grounds for this Motion, states as follows:

1. Sentencing in this matter (the “Roy Case”) is currently scheduled for May 18, 2006.

2. The government requests that the sentencing in the Roy Case be scheduled on or after the date of the sentencing in United States v. Rudolph Terry, Cr. No. 3:06cr52-MEF (the “Rudolph Case”), which is currently scheduled for July 6, 2006, although the government anticipates a short continuance.

3. The reason for this request is that in the Roy Case, the government will be moving for a downward departure based on substantial assistance, which motion will be based in significant part on Roy’s cooperation having led to the conviction of Rudolph Terry. In the Rudolph Case, Rudolph and the Government have entered into a plea agreement pursuant to Fed. R. Crim. P. 11(c)(1)(C), which has not yet been approved by the Court. Continuing Roy’s sentencing until on or after Rudolph’s sentencing will ensure that the Rudolph Case has concluded before Roy receives the benefit of the downward departure motion.

4. The undersigned AUSA has spoken with George Beck, counsel for Roy, who advises that Roy has no objection to the continuance.

Respectfully submitted this the 8th day of May, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Andrew O. Schiff
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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

George L. Beck, Jr., Esq.

Respectfully submitted,

/s/Andrew O. Schiff
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